

12-06

Rulemaking Hearing Rules  
of  
The Tennessee Department of Human Services  
Family Assistance Division

Chapter 1240-1-9  
Transitional Food Stamp Eligibility

New Rules

Chapter 1240-1-9 Reserved for Future Use, is amended to designate the Chapter as "Transitional Food Stamp Eligibility" and by adding the following new rule sections, so that, as amended, the new Chapter shall read as follows:

Chapter 1240-1-9  
Transitional Food Stamp Eligibility

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1240-1-9-.01 Eligibility Requirements

- (1) A Families First group with earnings whose case is closed because their income exceeds the Families First income standards may be eligible for five (5) months of Transitional Food Stamps (TFS) if they are part of a currently certified food stamp case.
  - (a) The Families First closure may be because of new or increased earnings, or because another circumstance occurred in the case which caused existing earnings (with or without other income) to exceed the Families First income standard.
- (2) Transitional benefits begin the first month following closure of the Families First case, or as soon as is administratively feasible, and continue for a maximum of five (5) months.
- (3) A household member who leaves the Transitional Food Stamp household during receipt of TFS benefits must re-apply for regular food stamp benefits in order to re-gain food stamp eligibility. He/she may not continue to receive Transitional Food Stamp benefits in a separate household.
- (4) Transitional benefits continue throughout the five-month period unless the household re-applies and is approved for Families First or re-applies for regular food stamp benefits.
- (5) Only eligible food stamp household members are eligible for Transitional Food Stamps; i.e., ineligible or disqualified individuals are not eligible for TFS.
- (6) All food stamp household members do not have to have been receiving Families First to be eligible for transitional benefits. However, if there is an open Families First case remaining within the food stamp household, the food stamp household is not eligible for Transitional Food Stamps.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; 7 C.F.R. § 273.12(f)(4); P. L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

1240-1-9-.02 Determining the Transitional Food Stamp Benefit

- (1) Determine the Transitional Food Stamp allotment by using the earned and unearned income that was in the food stamp budget prior to Families First closure and removing the Families First grant from the computation.
- (2) Assign the household a new certification period that conforms with the five-month transitional period.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; 7 C.F.R. § 273.12(f)(4); P. L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

1240-1-9-.03 Changes

- (1) A Transitional Food Stamp household is not required to report changes during the five-month period unless a household member leaves the household and applies for food stamps in another household.
- (2) The TFS household may apply to be re-certified for the regular Food Stamp Program at any time while receiving Transitional Food Stamps.
- (3) A TFS household that wishes to increase the level of food stamp benefits because of changes that have occurred must re-apply for re-certification through the regular Food Stamp Program. This includes changes such as an increase or decrease in household size or loss of earnings or other income.
- (4) The Transitional Food Stamp household is not required to report any changes in household circumstances to the worker during the five (5) months of TFS.
  - (a) No action should be taken on the Transitional Food Stamp case unless the recipient requests case closure or re-applies for food stamps in the regular program and is approved, or applies for Families First and is approved.
  - (b) Any reported change would be applied to the regular food stamp benefits following the TFS period, when a new food stamp certification period is authorized.
  - (c) If a household member is disqualified for an Intentional Program Violation during the TFS period, the disqualification must be imposed on the individual and the benefits adjusted accordingly.
  - (d) Allotment reduction must be applied if a claim is established.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; 7 C.F.R. § 273.12(f)(4) and 7 C.F.R. § 273.18(g); P. L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

1240-1-9-.04 Re-certification for Regular Food Stamp Benefits

- (1) A household may apply for the regular Food Stamp Program at any time during the TFS period.
  - (a) If a household applies for re-certification during the transitional period but does not follow through with the application or is determined to be ineligible for the regular Food Stamp Program, transitional benefits should be continued for the remainder of the five-month period.
    1. If the household applies for regular benefits during the transitional period and is determined eligible but is entitled to a benefit amount lower than its transitional benefit, the household should be encouraged to withdraw its application and continue to receive transitional benefits.
    2. If the household chooses not to withdraw its application, the re-certification process should be completed and the lower benefit authorized beginning with the first month of the new certification period.
  - (b) If the household applies for the regular Food Stamp Program and is found eligible for benefits higher than its transitional benefits and the TFS benefits have already been issued for the first month of regular Food Stamp eligibility, the worker should authorize the approval and issue the household a supplement for the difference.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; 7 C.F.R. § 273.12(f)(4); P. L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.

Rule 1240-1-9-.05 Ending Transitional Food Stamp Benefits

- (1) Transitional Food Stamp households will be sent an appointment notice for re-certification the month before the end of the five-month certification period.
- (2) If a household does not respond to the appointment notice, the TFS certification will expire and the case will be automatically closed.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105, 71-3-154 and 71-5-304; 7 U.S.C.A. §§ 2012(c), 2015(c) and 2020(s); 42 U.S.C.A. § 601 et seq.; 7 C.F.R. § 273.12(f)(4); P. L. 107-171 § 4115; and 69 Federal Register 20724 and 20728, April 16, 2004.


Legal Contact and/or party who will approve final copy:

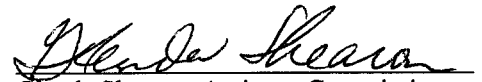
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Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:


  
Richard Dobbs, Director, Food Stamp Policy  
Tennessee Department of Human Services

  
Glenda Shearon, Assistant Commissioner  
Adult & Family Services  
Tennessee Department of Human Services

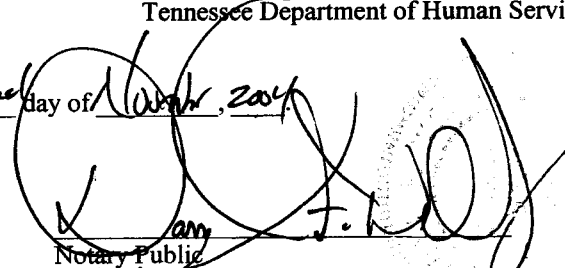
  
Virginia T. Lodge, Commissioner  
Tennessee Department of Human Services

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Human Services on the 22<sup>nd</sup> day of November, 2004.

Further, I certify that the provisions of T.C.A. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing was filed in the Department of State on the 26<sup>th</sup> day of August, 2004 and such notice of rulemaking hearing having been published in the September 15, 2004 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 19<sup>th</sup> day of October, 2004.

  
Phyllis A. Simpson  
Assistant General Counsel  
Tennessee Department of Human Services


Subscribed and sworn to before me this 22<sup>nd</sup> day of November, 2004.

  
Notary Public

My Commission Expires

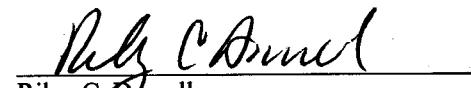
My commission expires on the    day of August 20, 2006.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

  
Paul G. Summers  
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 15 day of Dec. 2004 and will become effective on the 28 day of Feb., 2005.

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SECRETARY OF STATE

  
Riley C. Darnell  
Secretary of State